

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: DOI-BLM-CO-N010-2009-0006-DNA

PESTICIDE USE PROPOSAL NUMBER: 08-CO-100-23, 08-CO-100-24

PROJECT NAME: Herbicide application to control vegetation associated with oil and gas well pad locations and access roads.

LEGAL DESCRIPTION: Various sites throughout Moffat County. Great Divide area, Powderwash, Baker's Peak and Little Snake area.

APPLICANT: Ann Hedges

A. Describe the Proposed Action

Herbicide applications will be made to control vegetation on oil and gas well pad locations, right-of-ways (ROWs), and access roads. Many of these sites have been previously leveled, graded or disturbed. Treating or removing vegetation in these area would aid in fire prevention, operation and maintenance of facilities and reduction of undesirable annual and perennial noxious weeds. Application method for each proposal would be by truck, tractor or ATV with boom sprayers.

PUP #08-CO-100-23

Tank mix of Oust XP (Sulfometuron methyl) and Krovar IDF (Bromacil and Diuron), both granular formulations, would be applied at the rates listed below to achieve bareground vegetation control. Tank mix would also include 90/10 surfactant and Hi-Light color treatment indicator. Total estimated acres would be about 15.

Rate:

Trade Name	Formulated product	%A.I. or A.E.	Application Rate
Oust	4 oz./acre	75% a.i.	0.19 lbs/ac a.i.
Krovar IDF	8 lbs/acre	Bromacil 40%	3.2 lbs/ac a.i.
		Diuron 40%	3.2 lbs/ac a.i.

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Tank mix of Escort XP (Metsulfuron methyl), a granule, and 2,4-D LV6 (2,4-D ester), a liquid, to be applied at the rates listed below. The primary purpose is to control noxious and invasive weeds that compete with desirable native vegetation and seeded species. Estimated total project area actually treated would be 100 acres.

Rate:

Trade Name	Formulated product	%A.I. or A.E.	Application Rate
Escort XP	1 oz/ac	60% a.i.	.038 lbs/ac a.i.
Low Vol 6	3 pts/ac	5.6 lbs/gal a.e.	2.1 lbs/ac a.e.

All applications would conform with stipulations in Attachment #1.

B. Land Use Plan (LUP) Conformance

LUP Name: Little Snake Resource Management Plan and Record of Decision (ROD)

Date Approved: April 26, 1989

Final RMP/EIS, September 1986

Draft RMP/EIS, February 1986

Other Documents:

Standards for Public Land Health and Guidelines for Livestock Grazing in Colorado

Date Approved: February 12, 1997

The Federal Land Policy and Management Act of 1976, as Amended (43 USC 1752)

Rangeland Reform Final Environmental Impact Statement, December 1994.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions.

The Proposed Action is in conformance with the decision of the RMP as weed control will occur in association with all surface disturbing activities and management of the public land. The RMP Oil and Gas objective on page 6 of the ROD provides for the environmentally sound exploration and development of oil and gas resources using balanced multiple use management. The Proposed Action also conforms with county use plans.

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

Vegetation Treatments on BLM Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS), June 2007.

Final Environmental Impact Statement (FEIS) Vegetation Treatment on BLM Lands in Thirteen Western States, June 5, 1991, and the Colorado Record of Decision (ROD, July 1991).

EA# CO-016-94-056 Noxious Weed Treatment in the Little Snake Resource Area (March 30, 1994) resulted in a Finding of No Significant Impact. This Environmental Assessment considered the options of Integrated Pest Management as outlined in the FEIS and adopted the standard operation procedures for vegetation treatment program implementation.

Page 1: Oil and gas drilling and production site operations and land use authorizations such as, rights-of-way (R/W) for roads, powerlines, pipelines, and communication sites frequently involve surface disturbance which often results in invasion of noxious weeds or undesirable plant species that may pose a safety or fire hazard.

Page 3: Land use authorization, rights-of-way, oil and gas APDs and mineral permits require weed control as a result of the surface disturbance activity and stipulate this responsibility to the holder or lessee.

Amendment to EA# CO-016-94-056 Noxious Weed Treatment in the Little Snake Resource Area (May 4, 1994) expanded the use of herbicide application methods to include broadcast and aerial applications.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

Yes. There are no changes from the Proposed Action analyzed in 1994. The site includes all BLM land within the Little Snake Resource Area, congruent with pesticide use proposal stipulations (see Attachment 2). The Pesticide Use Proposals that are reviewed and approved based on the existing NEPA documents complete the site-specific analysis for these herbicide applications.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Yes. The density of some invasive noxious and undesirable plant species has been reduced in some areas, and although noxious and undesirable weeds have been identified in new locations, there have been no changes in environmental concerns, interests or resource values since 1994.

3. Is the existing analysis valid in light of any new information or circumstances?

Yes. The Proposed Action would have no disproportionate impacts on minority populations or low income communities per Executive Order (EO) 12898 and would not adversely impact migratory birds per EO 13186.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. The methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the current proposed action. Impacts to all resources were analyzed.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Yes. Direct and indirect impacts of the current proposed action are unchanged from those identified in the existing NEPA documents. The Pesticide Use Proposals that are reviewed and approved based on the existing NEPA documents complete the site-specific analysis for these herbicide applications.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes. The cumulative impacts that would result from implementation of the proposed action would remain unchanged from those identified in the existing NEPA documents.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Extensive public outreach through scoping and involvement of the publics and other agencies occurred in the development of the RMP/EIS. The appropriate individuals were contacted in 1994 and there have been no significant changes since.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

Name	Title	Resource	Initials	Date
Ole Olsen	Natural Resource Specialist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface	OO	11/06/08
Robyn Morris	Archaeologist	Cultural Resources, Native American Concerns	RWM	11/12/08
Louise McMinn	Realty Specialist	Environmental Justice	LM	11/3/08
Christina Rhyne	Environmental Coord. NEPA	Hazardous Materials	CR	10/31/08
Christina Rhyne	Rangeland Management Spec.	Invasive Non-native Species	CR	10/31/08
Hunter Seim	Rangeland Management Spec.	Sensitive Plants, T&E Plant	JHS	11/10/08
Tim Novotny	Wildlife Biologist	T&E Animal	TMN	11/6/08
Marilyn Wegweiser	Geologist	Water Quality - Ground	MDW	11/6/08
Ole Olsen	Natural Resource Specialist	Wetlands/Riparian Zones	OO	11/06/08
Gina Robison	Recreation Specialist	WSA, W&S Rivers	GR	11/04/08
Standards				
Tim Novotny	Wildlife Biologist	Animal Communities	TMN	11/6/08
Tim Novotny	Wildlife Biologist	Special Status, T&E Animal	TMN	11/6/08
Christina Rhyne	Rangeland Management Spec	Plant Communities	CR	10/31/08
Hunter Seim	Rangeland Management Spec	Special Status, T&E Plant	JHS	11/10/08
Ole Olsen	Natural Resource Specialist	Riparian Systems	OO	11/06/08
Ole Olsen	Natural Resource Specialist	Water Quality	OO	11/06/08
Ole Olsen	Natural Resource Specialist	Upland Soils	OO	11/06/08

Land Health Assessment

This action has been reviewed for conformance with the BLM's Public Land Health Standards adopted February 12, 1997. This action meets Public Land Health Standards. Land health assessments have been conducted in multiple landscapes and watersheds within the Field Office Planning Area. Invasive plants, especially annuals weeds have been found to be a problem on many sites and once established are a threat to the herbaceous component of the plant communities.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Signature of Lead Specialist_____ Date_____

Signature of NEPA Coordinator_____ Date_____

Signature of the Authorizing Official_____ Date_____

Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

ATTACHMENT #1
DOI-BLM-CO-100-2009-0006-DNA
PESTICIDE USE PROPOSAL STIPULATIONS

1. Certification

All personnel involved in pesticide application shall be trained and work under the direct supervision of a person certified to apply pesticides and shall follow EPA and label requirements for pesticide application. (FEIS-ROD p. 10)

2. Safety

The safety of the general public and the pesticide applicators shall be a primary consideration when designing and implementing pesticide application projects. Proper protective clothing shall be worn by applicators as prescribed in manuals and on EPA approved labels. (FEIS-ROD p. 10)

3. Spray Drift

Application operations shall be suspended when wind velocity exceeds 6 miles per hour. Applications should be made only when there is no hazard of spray drift. Use course sprays to minimize drift. (FEIS pp. 1-33; per labels)

4. Buffer Strips

Buffer Strips, where no spraying is allowed, shall be maintained adjacent to dwellings, domestic water sources, agricultural land, streams, lakes, ponds, wetlands, and riparian areas. A minimum buffer strip 100 feet wide will be maintained for aerial application, 25 feet for vehicle application and 10 feet for hand application. Pesticides, not approved for water use, shall be wiped on individual plants within 10 feet of water where application is critical. Any deviation must be in accordance with the label for the pesticide. (FEIS-ROD p. 10; Amended 5/4/94)

5. Threatened and Endangered Species (T&E)

No aerial applications of pesticides will occur in areas of known T&E plant species. No pesticides shall be applied within 25 feet of known T&E plant species populations, unless approved by the authorized officer. (Amended 5/4/94)

6. Spills

Individuals involved in the pesticide handling or application shall be instructed on the safety plan and spill procedures. Precautions will be taken to assure that equipment used for storage, transport, and mixing or application will not leak into water or soil creating a contamination hazard. All spills will be immediately reported to the authorized officer. (FEIS pp. 1-33)

7. Cleanup, Storage, Disposal

All cleanup of equipment, storage of pesticides and disposal of used pesticide containers shall comply with EPA and label requirements. (FEIS pp. 1-34)

8. Pre-Treatment, Surveys

A field survey shall be completed prior to proposed pesticide application to determine the level of noxious weed infestation, soils, biological and riparian factors which would limit treatment, and analyze the most effective method to treat the infestation. (FEIS-ROD p. 9)

9. Post-Treatment Surveys

Post-treatment surveys shall be conducted to evaluate the effectiveness and impacts of the treatment practices used. An Application Record will be completed for each treatment project within 24 hours and submitted to the LSFO by the end of the spray season. (FEIS pp. 1-37)

10. Application Rates

The maximum herbicide application rates shall not exceed those listed in FEIS Table I-8, pp. 1-26 for the areas listed; said rate will be noted on the PUP approval.

11. Regulation and Liability

All use of pesticides under this agreement shall be subject to regulations resulting from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Rules and Regulations established by the State of Colorado for the use and application of pesticides. The federal government will be held harmless and the applicator will be held fully liable for any violation of the above laws or any other laws relevant to the use, misuse, disposal, spillage, contamination, or cleanup caused by the applicator's use of pesticides under this agreement.

12. Notification

The BLM, Little Snake Field Office, at 970-826-5000 will be notified at least five (5) days prior to spraying weeds on the BLM administered land in the LSFO.

13. Cultural Resources Discovery

The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

SOURCE:

CO-016-94-056 EA
Amended 5/4/94